

IN RE: PETITION FOR ZONING VARIANCE  
S/S Baltimore National Pike,  
330' E of c/l of St. Agnes Lane  
(Catonsville Plaza)  
1st Election District  
1st Election District  
Catonsville Plaza Ltd. Part.  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-384-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two (2) double-faced identification signs to be located on the same street; to permit each of the two signs to contain 1,184 sq.ft. total (592 sq.ft. per side) in lieu of the maximum permitted 300 sq.ft.; to permit said signs to be located on the subject property where the land on the opposite side of the thoroughfare is not zoned commercial; and to permit said signs to be 38 feet, 6 inches high in lieu of the maximum permitted 25/35 feet height, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Hugh D. Robinson, Tri-Land Properties, Inc., a General Partner, appeared, testified and were represented by Robert W. Cannon, Esquire and Steven C. Hilsee, Esquire. Also appearing on behalf of the Petition were D. S. Thaler with D. S. Thaler and Associates, Inc., and Adam Wasserman, Revitalization Coordinator for Baltimore County. There were no Protestants.

Testimony indicated that the subject property, located between Baltimore National Pike (Route 40) and Old Frederick Road, consists of 15.3 acres more or less, zoned RM-CCC, and is improved with a shopping center known as Catonsville Plaza. Petitioners are in the process of remodeling the existing facility, which is approximately 25 years old, to create more space and give the shopping center a more modern appearance.

ORDER RECEIVED FOR FILING  
Date 4/4/89  
By J. Robert Haines

In addition to the proposed improvements, Petitioners are desirous of installing the proposed signs. Testimony indicated that due to the grade of Route 40 at the entrance to the site, the topography of the land, and the grade at which the two parking lots are situated, the size and locations proposed for the signs are necessary in order to be visible from the road. Testimony indicated that the grade of Route 40 changes radically alongside the shopping center and as a result, there are lower level and upper level parking lots. Due to the fact that all the stores are oriented towards the parking lots and not towards Route 40, as can be seen by Petitioner's Exhibit 1, the existing identification signs on the store fronts are not visible from the road. Testimony indicated that since there are two separate parking lots, each on a different level, two identification signs are necessary. Testimony indicated that one of the signs will be erected across the street from residentially zoned property. The Petitioners believe that since the residential property is on the other side of Route 40, which is more than 80 feet wide at this location, the proposed sign will not create any adverse impact upon the community. Testimony indicated that both signs will identify each store in the shopping center and that the existing Merchant's Tire sign will be removed upon the installation of the new signs.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice

-2-

to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the size and height variances requested are extremely excessive and unnecessary. Petitioners request is for two signs, each containing 1,184 sq.ft. (592 sq.ft. per side), or 2,368 sq.ft. total, in lieu of the maximum permitted 300 sq.ft. (150 sq.ft. per side). Further, Petitioners request a height variance of 38 feet, 6 inches for each sign in lieu of the 25 feet and 35 feet height restrictions. In the opinion of the Zoning Commissioner, if variances are granted, as hereinafter modified, such uses as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of April, 1989 that variances from Section 413.2(e) to permit two (2) double-faced identification signs to be located on the same street in lieu of the one multiple-faced sign on each street recognized as a thoroughfare; to permit two double-faced identification signs to contain 500 sq.ft. each, or 250 sq.ft. per side, for a total of 1,000 sq.ft. of identification signage in lieu of the maximum permitted

ORDER RECEIVED FOR FILING  
Date 4/4/89  
By J. Robert Haines

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

89-384-A

District 1st Date of Posting 2-28-89  
Posted for: *Haines*  
Petitioner: *Catonsville Plaza Limited Partnership*  
Location of property: *S.S. Baltimore National Pike, 330' East of c/l of St. Agnes Lane*  
Location of signs: *South side of Baltimore National Pike in front of subject property*  
Remarks: *A. J. Davis*  
Signed: *A. J. Davis* Date of return: 3-3-89  
Number of Signs: 1

Office of PATUXENT Publishing Company

10750 Little Patuxent Pkwy.  
Columbia, MD 21044

19

THIS IS TO CERTIFY, that the annexed advertisement of

was inserted in the following: ☒ THE JEFFERSONIAN  
☒ Catonsville Times  
☐ Arbutus Times  
☐ Reporter Weekly  
☐ Bowyer Weekly  
☐ Owings Mills Flier  
☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for successive weeks before the day of 19 that is to say, the same was inserted in the issues of

March 2, 1989

PATUXENT PUBLISHING COMPANY

*S. Zeke Oliver*

PO 10453

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IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

300 sq.ft. total for a double-faced identification sign, or 150 sq.ft. per side; and to permit two (2) identification signs to be located on the subject property where the land on the opposite side of the thoroughfare is not zoned commercial in lieu of the requirement that such signs be located opposite a commercial zone, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any sign permits, Petitioners shall submit to the Zoning Commissioner for approval a new design plan of the proposed signage incorporating the size and height variances granted herein.
- 3) The existing Merchant Tire sign shall be removed at such time as the new signs are installed.
- 4) There shall be no other freestanding signage for the subject property.
- 5) When applying for the sign permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- 6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,

IT IS FURTHER ORDERED that a variance to permit two double-faced identification signs to be 38 feet, 6 inches high in lieu of the maximum permitted 25/35 feet height, be and is hereby DENIED.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

-4-

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

April 4, 1989

*Dennis F. Rasmussen*  
County Executive

Robert W. Cannon, Esquire  
Steven C. Hilsee, Esquire  
100 S. Charles Street, 14th Floor  
Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE  
S/S Baltimore National Pike, 330' E of the c/l of St. Agnes Lane  
(Catonsville Plaza)  
1st Election District - 1st Councilmanic District  
Catonsville Plaza Limited Partnership - Petitioners  
Case No. 89-384-A

Dear Mr. Cannon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-384-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2(e) to permit: (1) 2 identification signs to be located on the same street; (2) each of the 2 double-faced identification signs to contain 1,184 square feet in lieu of the permitted 300 square feet; and (3) each of the 2 identification signs to be located on the subject property where the land on the opposite side of the thoroughfare is not zoned commercial; and a Variance from Section 413.5(d) to permit each of the 2 identification signs to be 38 feet 6 inches in height in lieu of the permitted 25/35 feet.

Due to the topography of the site, the subject shopping center effectively operates as two separate centers with separate "uphill" and "downhill" marketing, advertising, and business identification needs. Strict compliance with the 1 identification sign limitation per street would cause severe practical difficulties as one portion of the shopping center would not have the benefit of an identification sign and strict compliance with the 150 square foot restriction would prevent adequate identification of the shopping center(s).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, as we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: *Catonsville Plaza Limited Partnership*  
(Type or Print Name)  
Signature: *Robert W. Cannon*  
Address: *100 South Charles Street, 14th Floor*  
City and State: *Baltimore, Maryland 21201*

Legal Owner(s): *Catonsville Plaza Limited Partnership*  
(Type or Print Name)  
Signature: *Robert W. Cannon*  
Address: *100 South Charles Street, 14th Floor*  
City and State: *Baltimore, Maryland 21201*

Attorney for Petitioner: *Robert W. Cannon*  
(Type or Print Name)  
Signature: *Robert W. Cannon*  
Address: *100 South Charles Street, 14th Floor*  
City and State: *Baltimore, Maryland 21201*

Attorney's Telephone No.: *(301) 332-8816*

Ordered By The Zoning Commissioner of Baltimore County, this 8th day of April, 1989.

That the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 21st day of March, 1989, at 9 o'clock A.M.

(over)

*J. Robert Haines*  
Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING  
Date 4/4/89  
By J. Robert Haines

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 1-13-89 ACCOUNT: R-01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: *Washington & ...*

FOR: *Item # 290*

8 8744\*\*\*\*\*100C: 5122F

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 21 MARCH 89 ACCOUNT: R-01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: *TEI-LAND PROPERTIES INC.*

FOR: *Item # 290*

8 8744\*\*\*\*\*100C: 5122F



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 3-8-89

Robert W. Cannon, Esq.  
Weinberg & Green  
100 South Charles Street  
14th Floor  
Baltimore, Maryland 21201

Re: Petition for Zoning Variance  
Case Number: 89-384-A (Sign variance)  
Catonville Plaza Limited Partnership

Dear Mr. Cannon:

Please be advised that \$95.20 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:gs  
cc: File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

February 22, 1989

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-384-A  
SS Baltimore National Pike, 330' E c/l St. Agnes Lane  
(Catonville Plaza)  
1st Election District - 1st Councilmanic  
Petitioner(s): Catonville Plaza Limited Partnership  
HEARING SCHEDULED: TUESDAY, MARCH 21, 1989 at 9:30 a.m.

Variance to permit (i) 2 identification signs to be located on the same street; (ii) each of the 2 double-face identification signs to contain 1184 square feet in lieu of the permitted 300 square feet; and (iii) each of the 2 identification signs to be located on the subject property where the land on the opposite side of the thoroughfare is not zoned commercial; and a Variance from Section 413.5(d) to permit each of the 2 identification signs to be 38 feet 6 inches in height in lieu of the permitted 25/35 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Robert W. Cannon, Esq.  
Catonville Plaza Limited Partnership  
File

### BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 6, 1989

Robert W. Cannon, Esquire  
100 South Charles Street  
14th Floor  
Baltimore, MD 21201

RE: Item No. 290, Case No. 89-384-A  
Petitioner: Robert W. Cannon  
Petition for Zoning Variance

Dear Mr. Cannon:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WNIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

cc: Mr. Hugh D. Robinson  
One Westbrock Corporate Center  
Suite 520  
Westbrook, IL 60152

SHA Maryland Department of Transportation  
State Highway Administration

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

February 9, 1989

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FEB 13 1989  
ZONING OFFICE

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Catonsville Plaza  
(Item #290)

Dear Mr. Haines:

The plans concerning the above subject have been reviewed, and also the location has been inspected by Mr. George Dawson, the Highway Beautification Inspector for the area.

This office has no objection to the placement of the signs at the given location as per plans submitted; however, the signs cannot overhang the State's Right-of-Way.

If you need further information, please do not hesitate to contact this office.

Sincerely,

Morris Stein  
Morris Stein, Chief  
Highway Beautification  
Section

MS:jsk

My telephone number is (301) 333-1640

Teletypewriter for Impaired Hearing or Speech  
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

SHA Maryland Department of Transportation  
State Highway Administration

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

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FEB 9 1989  
ZONING OFFICE

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County  
Catonsville Plaza  
Zoning Meeting of 2-7-89  
7/5 Baltimore National  
Pike (Route 40-W)  
330' East of St. Agnes  
Lane  
(Item #290)

Dear Mr. Haines:

After reviewing the submittal for a variance to permit two identification signs to be located on the same street; each of the two double faced identification signs to contain 1,184 square feet in lieu of the permitted 300 square feet; each of the two identification signs to be located on the subject property where the land on the opposite side of the thoroughfare is not zoned commercial and to permit each of the two identification signs to be 38 feet 6 inches in height in lieu of the permitted 25/35 feet, we offer the following comment.

This plan has been forwarded to our Highway Beautification Section, c/o Morris Stein (333-1642) for all comments relative to zoning.

Very truly yours,

Stephen J. Mills, Jr., Chief  
Bureau of Engineering  
Access Permits

LB:maw

cc: Mr. M. Stein (w-attachment)  
D.S. Thaler & Assoc., Inc.  
Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
363-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
494-3554

March 1, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for item number 290, 297, 298, 309, 310, 311, 315, 317, 319, 320, 321, & 323.

Very truly yours,

Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/lab

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MAR 3 1989  
ZONING OFFICE

Baltimore County  
Fire Department  
Towson, Maryland 21204-2336  
494-4500

Paul H. Reincke  
Chief

February 14, 1989

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Catonsville Plaza Limited Partnership  
Location: line of St. Agnes Lane  
Item No.: 290

Zoning Agenda: Meeting of February 7, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] 2-15-89  
Social Inspection Division

NOTED & APPROVED: [Signature]  
Fire Prevention Bureau

/s/



## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
Zoning Commissioner  
TO: Pat Keller, Deputy Director  
FROM: Office of Planning and Zoning  
SUBJECT: Catonsville Plaza Ltd. Partnership  
Zoning Petition No. 89-384-A

Date: March 20, 1989

The petitioner is requesting variances to permit two identification signs (each double faced) to be located on the same street at a size of 1,184 sq. ft. in lieu of the required 300 sq. ft. In addition, variances to allow the height of signs to be 34 feet in lieu of 25 and 35 feet are requested. In reference to this request, staff provides the following information:

\* Staff recognizes the "unique" signage needs of larger shopping center complexes. The redevelopment of the site requires some flexibility in the provision of signage, however, the needs of the western portion of the site versus the main entrance should be re-evaluated.

\* A comprehensive uniform sign program that utilizes similar coloring (or a color scheme) lettering and size of lettering, and signs can enhance large projects and eliminate the visual clutter of signage.

Staff recommends approval of the petitioner's request subject to the following:

- A uniform sign program should be reviewed and approved by the Division of Current Planning in the Office of Planning and Zoning for the entire project.

- The sign on the western side of the site should be scaled down to an appropriate size as approved by the Office of Planning and Zoning.

FK/ef

CPS-008

Baltimore County  
Economic Development Commission  
Carrousel Metropole  
Townson, Maryland 21204  
(301) 887-8000  
Fax: (301) 887-8017  
Raymond Carignan  
Director

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FEB 24 1989

ZONING OFFICE

February 15, 1989

County Executive  
Dennis F. Rasmussen

Mr. J. Robert Haines, Zoning Commissioner  
Baltimore County Office of Planning and Zoning  
Courts Building, 401 Washington Avenue  
Townson, Maryland 21204

Re: Variance Requests: Item Numbers 290 and 291

Dear Mr. Haines:

The Economic Development Commission wishes to express our support of the above referenced variance requests. The requests, for reduction in required parking and increase in signage allotments, have come to our attention because of Catonsville Plaza Shopping Center's highly visible position in the area along Route 40 targeted for revitalization efforts.

This area is at a critical juncture as we begin to focus our revitalization efforts in the Catonsville community. Catonsville Plaza Limited Partnership's investment in substantial renovations is giving the center a new look and attracting attention to its businesses.

The property owner is requesting a variance of eighteen (18%) percent (249 parking spaces) in order to expand the retail space to utilize the full leasable area. The renovation plans include two additions, to expand the retail space and obtain maximum exposure for the center.

The need for a signage variance relates to the unusual layout of the center in two distinct groupings of stores. One sign does not adequately identify the opportunities of both retail areas. Two signs, of significant size, would facilitate entry into the appropriate area and provide equal exposure to both clusters.

We are making every effort to encourage strong groupings of stores and to support property owners as they make improvements that contribute to the vitality of merchants in this area.

J. Robert Haines, Zoning Commissioner  
February 15, 1989  
Page Two

Catonsville Plaza Limited Partnership's revitalization work has contributed to the long-range economic success of the Route 40 corridor.

Please accept this letter as formal support for allowing the variance request item numbers 290 and 291.

Thank you.

Sincerely,

Raymond Carignan  
Director

RDC:KS:sg

cc: Councilman Ronald B. Hickernell  
Mr. Robert W. Cannon

## IMPORTANT NOTICE

TO: PETITIONER  
FROM: ZONING COMMISSIONER  
SUBJECT: PETITION FOR ZONING VARIANCE

The following information is provided to you as a forwarding and it is not to be considered complete legal advice.

First, and most importantly, you must understand that the hearing you have requested is a quasi-judicial hearing and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations. A judicial hearing is an adversary proceeding, and therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Deputy Zoning Commissioner will rule on the evidence and testimony to determine whether or not the variance will be granted.

Second, you must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation.

Third, it is strongly recommended that you read and understand the requirements of Section 307 of the Baltimore County Zoning Regulations, provided below.

Fourth, no employee of the Baltimore County Zoning Office may provide legal advice to anyone. The representation and actions of any employee are not to be construed as official of any case. Only the decision of the Zoning Commissioner and Deputy Zoning Commissioner is dispositive of any matter after the statutory required public hearing.

Section 307 empowers the Zoning Commissioner to grant variances from height and area regulations when strict compliance would result in practical difficulty or unreasonable hardship, but only if such hardship exists with the strict and literal application of the regulations and only in such a manner as to grant relief without substantial injury to the public health, safety, and general welfare.

The Court of Special Appeals in *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28, stated:

"To prove practical difficulty for a use variance the following three criteria must be met:

(1) APPLICANT MUST BE UNABLE TO OBTAIN A REASONABLE RETURN OR MAKE ANY REASONABLE USE OF HIS PROPERTY HEREIN FINANCIAL HARDSHIP OR OPPORTUNITY FOR GREATER PROFIT IS NOT ENOUGH.

(2) THE DIFFICULTY OR HARDSHIP IS REGULAR TO THE SUBJECT PROPERTY IN CONTRAST WITH OTHER PROPERTIES IN THE ZONING DISTRICT.

(3) HARDSHIP WAS NOT THE RESULT OF APPLICANT'S OWN ACTIONS.

To prove practical difficulty for an area variance the following criteria must be met:

(1) WHETHER STRICT COMPLIANCE WITH REQUIREMENT WOULD UNREASONABLY PREVENT THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE OR RENDER CONFORMANCE UNREASONABLY DIFFICULT.

(2) WHETHER THE GRANT WOULD DO SUBSTANTIAL INJUSTICE TO APPLICANT AS WELL AS OTHER PROPERTY OWNERS IN DISTRICT OR WHETHER A LESSER RELAXATION THAN THAT APPLIED FOR WOULD GIVE SUBSTANTIAL RELIEF.

(3) WHETHER RELIEF CAN BE GRANTED IN SUCH FASHION THAT THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED AND PUBLIC SAFETY AND WELFARE SECURED."

This Notice is not to be considered legal advice.

Even though there may not be opposition in a given case, your request may be denied.

This information is provided by J. Robert Haines, Zoning Commissioner, as a public service.

SECTION 307 - VARIANCES

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations. From different zoning regulations and from sign regulations, only in cases where strict compliance with the zoning regulations for Baltimore County results in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the zoning regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if it is shown that the grant is necessary to the public health, safety, and general welfare, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reasons or reasons for making such variance.

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence

TO: The Hon. Ronald B. Hickernell  
Councilman, 1st District  
DATE: February 2, 1989

FROM: J. Robert Haines  
Zoning Commissioner

SUBJECT: Catonsville Plaza Shopping Center  
Item Nos. 290 and 291

In response to your letter dated January 25, 1989 the following comments are offered.

While the Petitioners filed their Petition forms approximately two weeks ago, additional documentation remains to be submitted before filing is complete and a hearing can be scheduled. We have advised Petitioners' counsel that we will be happy to honor their request for an early hearing as soon as the required information has been forwarded to this office. Attached for your information is a copy of our letter dated February 2, 1989 to Robert W. Cannon, Esquire.

If you have any further questions on the subject, please do not hesitate to contact me.

JRH:bjs

cc: file



COUNTY COUNCIL OF BALTIMORE COUNTY  
COURT HOUSE, TOWSON, MARYLAND 21204

RONALD B. HICKERNELL  
COUNCILMAN FIRST DISTRICT

COUNCIL OFFICE: 887-3346  
CATONSVILLE DISTRICT OFFICE: 887-0896  
754 FREDERICK ROAD  
CATONSVILLE, MD 21228

January 25, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
Courts Building  
401 Bosley Avenue  
Townson, Maryland 21204

Dear Mr. Haines:

I am writing to you regarding a required hearing for signage and parking variances for Catonsville Plaza, located in the area between Old Frederick Road and Baltimore National Pike.

Mr. Cannon, an attorney representing the developer, Tri-Land Properties, Inc., has requested an expedited hearing on these petitions and I support this request. I would be most appreciative if you could schedule this hearing at the earliest possible date.

Thank you for considering this request.

Sincerely,

Ronald B. Hickernell  
Councilman, First District

RBH:cae

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
(301) 887-8000  
J. Robert Haines  
Zoning Commissioner

February 2, 1989



Dennis F. Rasmussen  
County Executive

Robert W. Cannon, Esquire  
Weinberg and Green  
100 S. Charles Street  
Baltimore, Maryland 21201-2773

RE: PETITION FOR ZONING VARIANCE  
Catonsville Plaza Shopping Center  
Item Nos. 290 and 291

Dear Mr. Cannon:

In response to your letter dated January 24, 1989 on the above-captioned matter, the following comments are offered.

While the Petition application forms were filed approximately two weeks ago, additional documentation remains to be submitted to this office before filing is complete and a hearing can be scheduled. Upon receipt of the required information, every effort will be made to schedule a hearing on this matter as quickly as possible. If you have any questions concerning your application, it is suggested you contact John Sullivan at 887-3391.

Thank you for your cooperation in this matter and if you have any further questions, please do not hesitate to call this office.

Very truly yours,

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: The Hon. Ronald B. Hickernell  
John Sullivan  
file

## WEINBERG AND GREEN

ATTORNEYS AT LAW  
100 SOUTH CHARLES STREET  
BALTIMORE, MARYLAND 21201-2773

BALTIMORE (301) 332-8800  
WASHINGTON AREA (703) 400-0000

TELECOPIERS  
(301) 332-8802  
(301) 332-8803

WRITER'S DIRECT DIAL NUMBER

(301) 332-8816

January 24, 1989

FILE NUMBER

31070.1

## BY HAND DELIVERY

Hon. J. Robert Haines  
Zoning Commissioner for Baltimore County  
County Office Building, Room 109  
111 West Chesapeake Avenue  
Townson, Maryland 21204

Re: Catonsville Plaza Shopping Center  
Petitions for Signage and Parking Variances  
Item Nos. 290 (Signage) and 291 (Parking)  
Petitioner: Catonsville Plaza Limited Partnership

Dear Commissioner Haines:

We represent Catonsville Plaza Limited Partnership in connection with the captioned Petitions for Signage and Parking Variances. I am writing you in order to outline certain additional information with regard to these Petitions and to request that an expedited hearing date be established.

I am enclosing a copy of a January 17, 1989 letter from Mr. Richard F. Dube to the Hon. Ronald B. Hickernell, Councilman for the First Election District where Catonsville Plaza Shopping Center is located. Mr. Dube's letter refers to a January 12, 1989 meeting with Councilman Hickernell during which Mr. Dube, on behalf of the Petitioner, reviewed the progress of substantial renovation work being performed at Catonsville Plaza Shopping Center.

The captioned Sign and Parking Variances represent a critical element in the renovation of Catonsville Plaza Shopping Center and the revitalization of the U.S. Route 40 (Baltimore National Pike) corridor where the Center is located. The Petitioner has entered into leases with tenants who will provide the surrounding communities with convenient access to a variety of goods and services. However, the leases require that Petitioner resolve any Sign and Parking Variance issues within the next few months.



290

**WEINBERG AND GREEN**  
ATTORNEYS AT LAW  
100 SOUTH CHARLES STREET  
BALTIMORE, MARYLAND 21201-2773

BALTIMORE, (301) 332-8800  
WASHINGTON AREA (703) 400-1100

TELECOPIERS  
(301) 332-8882  
(301) 332-8883

WRITER'S DIRECT DIAL NUMBER  
(301) 332-8787

January 19, 1989

FILE NUMBER  
31070.1

BY HAND DELIVERY

Mr. John Sullivan  
Zoning Technician  
Baltimore County Zoning Office  
County Office Building, Room 113  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re Catonsville Plaza Shopping Center  
Two (2) Petitions for Zoning Variance  
Item Nos.: 50 (Signage) and 291 (Parking)  
Petitioner: Catonsville Plaza Limited Partnership

Dear Mr. Sullivan:

In accordance with our Thursday, January 12, 1989 meeting, certain revisions have been made to the Petition for Zoning Variance (Signage) and the engineer has modified the Site Plan and Property Description submitted in connection with both captioned Petitions. I am enclosing the following documents:

- Three (3) original Petitions for Zoning Variance (Signage only Item No. 290), executed by Robert W. Cannon as the Petitioner's Authorized Representative and Attorney for Petitioner;
- Ten (10) revised plats to accompany the Petitions (entitled "Proposed Site and Lease Plans" and referred to as "Site Plans" in this letter);
- Three (3) revised Property Descriptions dated January 17, 1989; and
- Ten (10) plats entitled "200 Scale Zoning Map to Accompany Variance Petition - Catonsville Plaza."

The enclosed Sign Variance Petitions have been revised in accordance with your edits and comments. For your convenience in reviewing the enclosed Petitions, I am also enclosing a copy of the prior draft Petition which contains your hand written comments.

**HOLMEHURST**  
COMMUNITY ASSN  
RICHARD DECKER PRES.

RECEIVED  
MAR 20 1989  
ZONING OFFICE

*Zoning Commission  
Dear Sir,*

*We object to the granting of a Variance in case 89-384-A #290, a sign 3 times as big as permitted in our right and in our view not needed for that location.*

*Across the street is a residential. Variance for signs are getting out of control. The new Master Plan works are aware that signs are downgraded in area quickly.*

*Thank You  
R. Decker*

SIGN 13  
Zoning Commission  
21204

Zoning Hearings  
Page 9

FRIDAY, MARCH 17, 1989 (Cont'd):

11:00 a.m.  
89-382-SPHA  
#301

NE/S Windsor Mill Road, 70' SE c/l Featherbed Lane  
6746 Windsor Mill Road  
2nd Election District - 2nd Councilmanic  
Special Hearing: That Section 402 can be applied to the currently existing apartment building located on proposed lot 2 at 6746 Windsor Mill Road even though it was first established as a contractor's office. Variance to permit a rear yard setback of 19 ft. in lieu of the required 30 ft.  
Petitioner(s): William Reincke, et ux

2:00 p.m.  
89-383-SPH  
#306

E/S JN Pearce Road, 1400' SE c/l Shepherd Road  
1663 JN Pearce Road  
10th Election District - 3rd Councilmanic  
Special Hearing: To determine that the transfer of 9.818 acres of property contained in "Gordon's Ridge" by Deed dated Feb. 19, 1988 and recorded in Land Records of Baltimore County in Liber 7807, page 751, was conveyed with the restriction and understanding of all parties that it would transfer no building rights, nor density units permitted under the current RC-2 zoning for the property.  
Petitioner(s): Stephen V. Power, et al

TUESDAY, MARCH 21, 1989:

9:00 a.m.  
89-384-A  
#290

SS Baltimore National Pike, 330' E c/l St. Agnes Ln.  
Catonsville Plaza  
1st Election District - 1st Councilmanic  
Variance to permit (i) 2 identification signs to be located on the same street; (ii) each of the 2 double-face identification signs to contain 1184 sq. ft. in lieu of the permitted 300 sq. ft.; and (iii) each of the 2 identification signs to be located on the subject property where the land on the opposite side of the thoroughfare is not zoned commercial; and a Variance from Section 413.5(d) to permit each of the 2 identification signs to be 38 ft. 6 in. in height in lieu of the permitted 25/35 feet.  
Petitioner(s): Catonsville Plaza Ltd. Part.

- MORE -

89-384A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

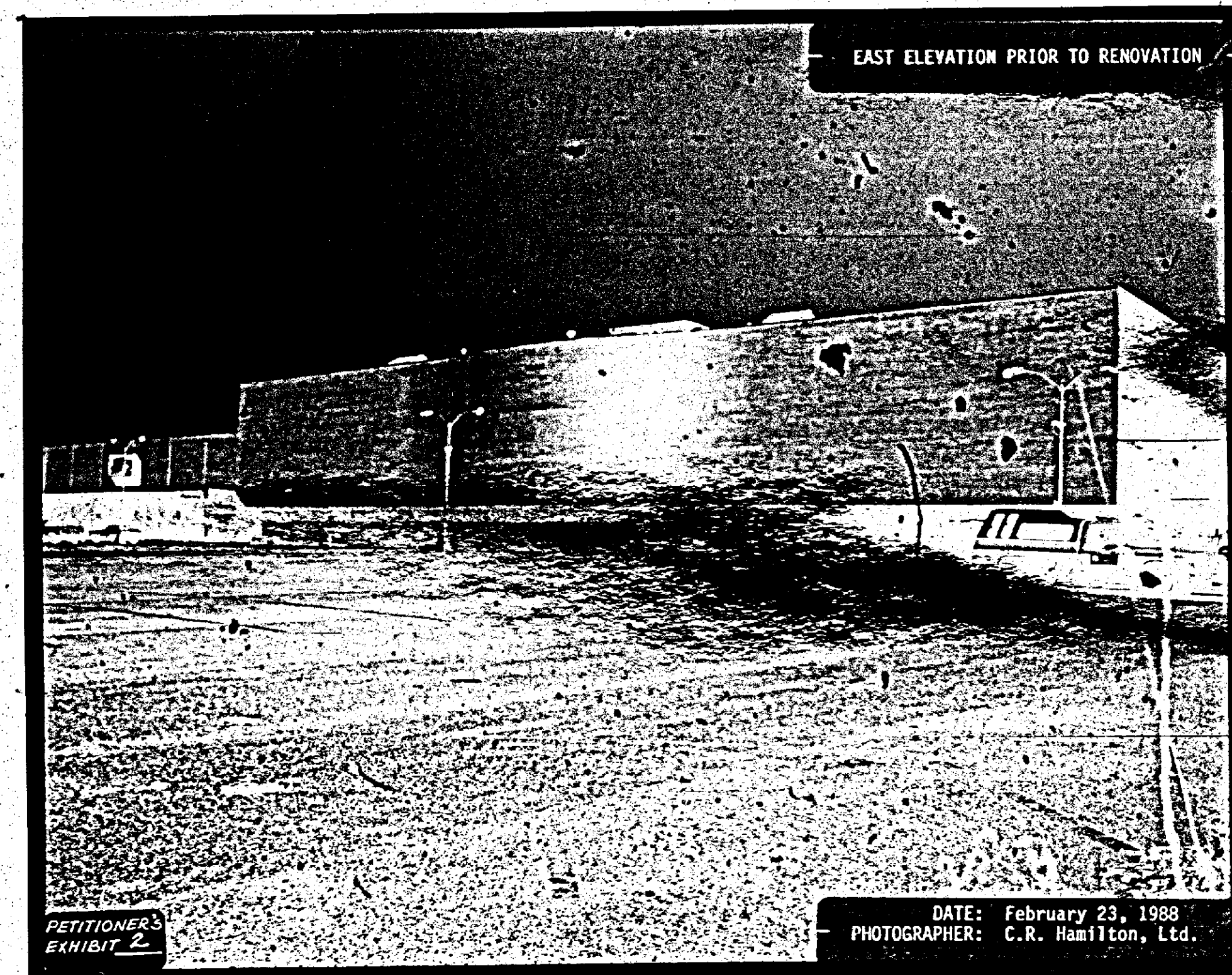
NAME	ADDRESS
HUGH D. ROBINSON	ONE LESTER ROAD, CATONSVILLE, MARYLAND 21208
D.S. THALER	1144 GREEN RD 21208
STEVEN C. HILSEE	100 SOUTH CHARLES STREET BALTIMORE MD 21201
ROBERT W. CANNON	100 SOUTH CHARLES STREET BALTIMORE MD 21201
ARMAN WASSERMAN	5410 CO EDC TOWSON, MD

PRESIGNED

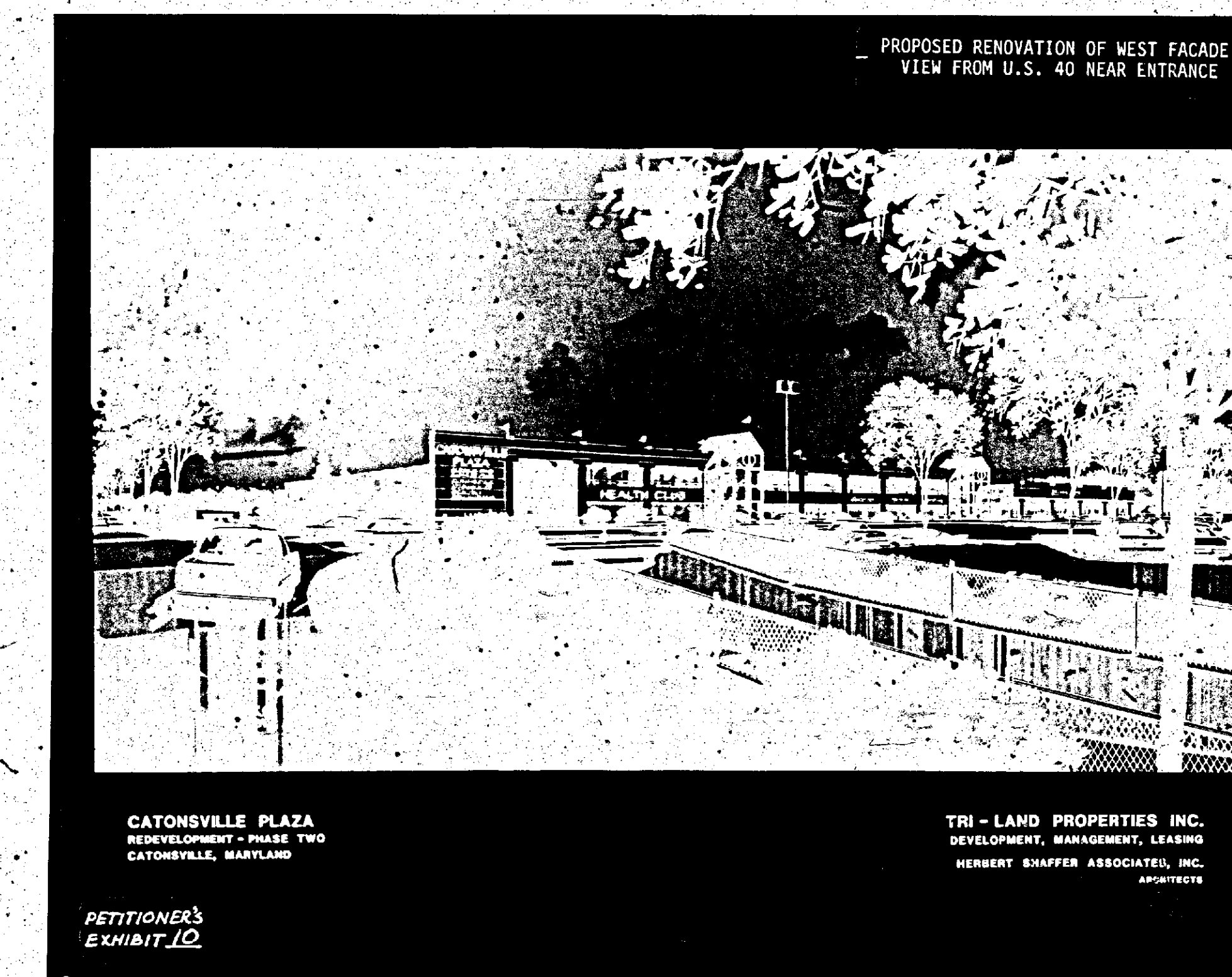
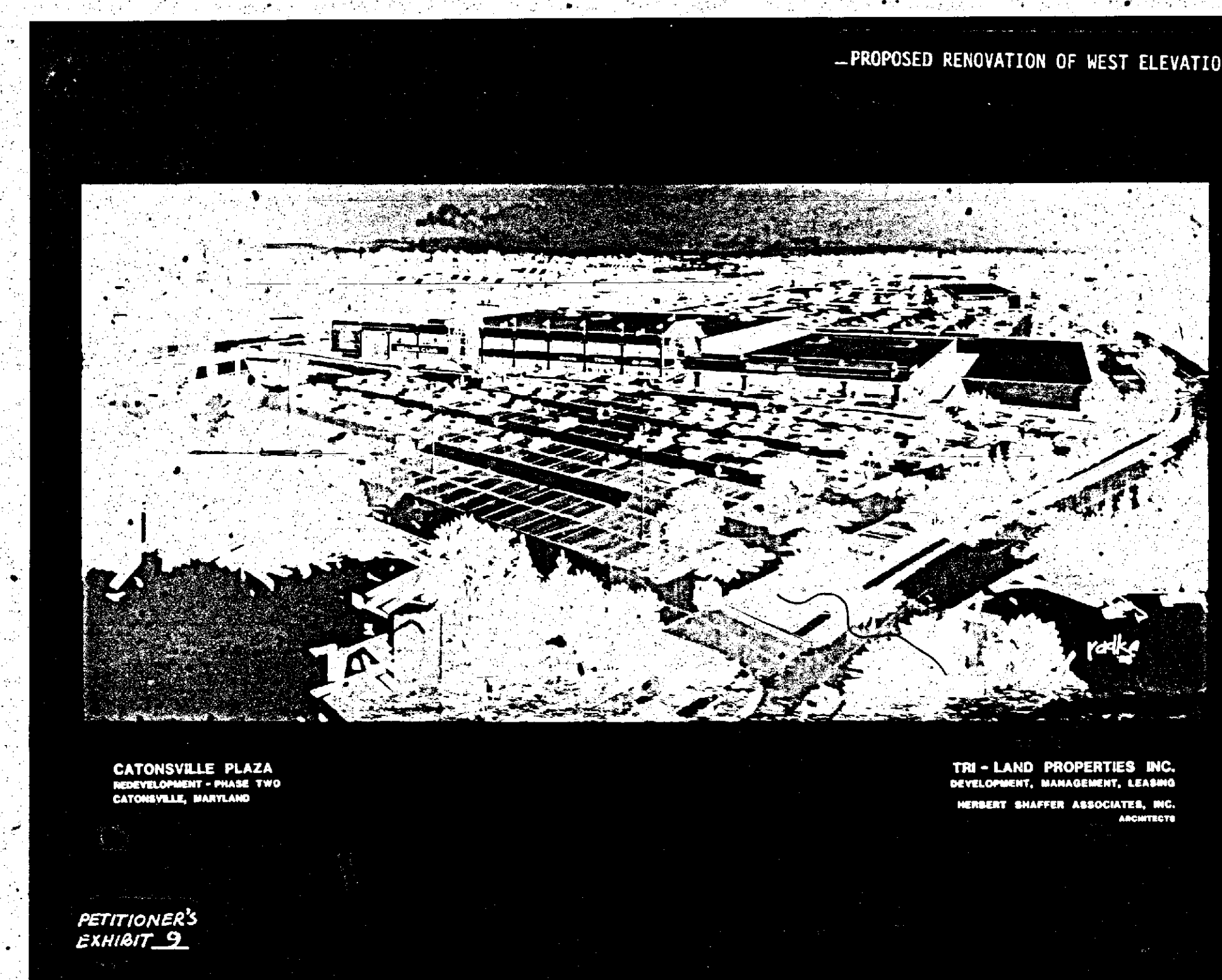
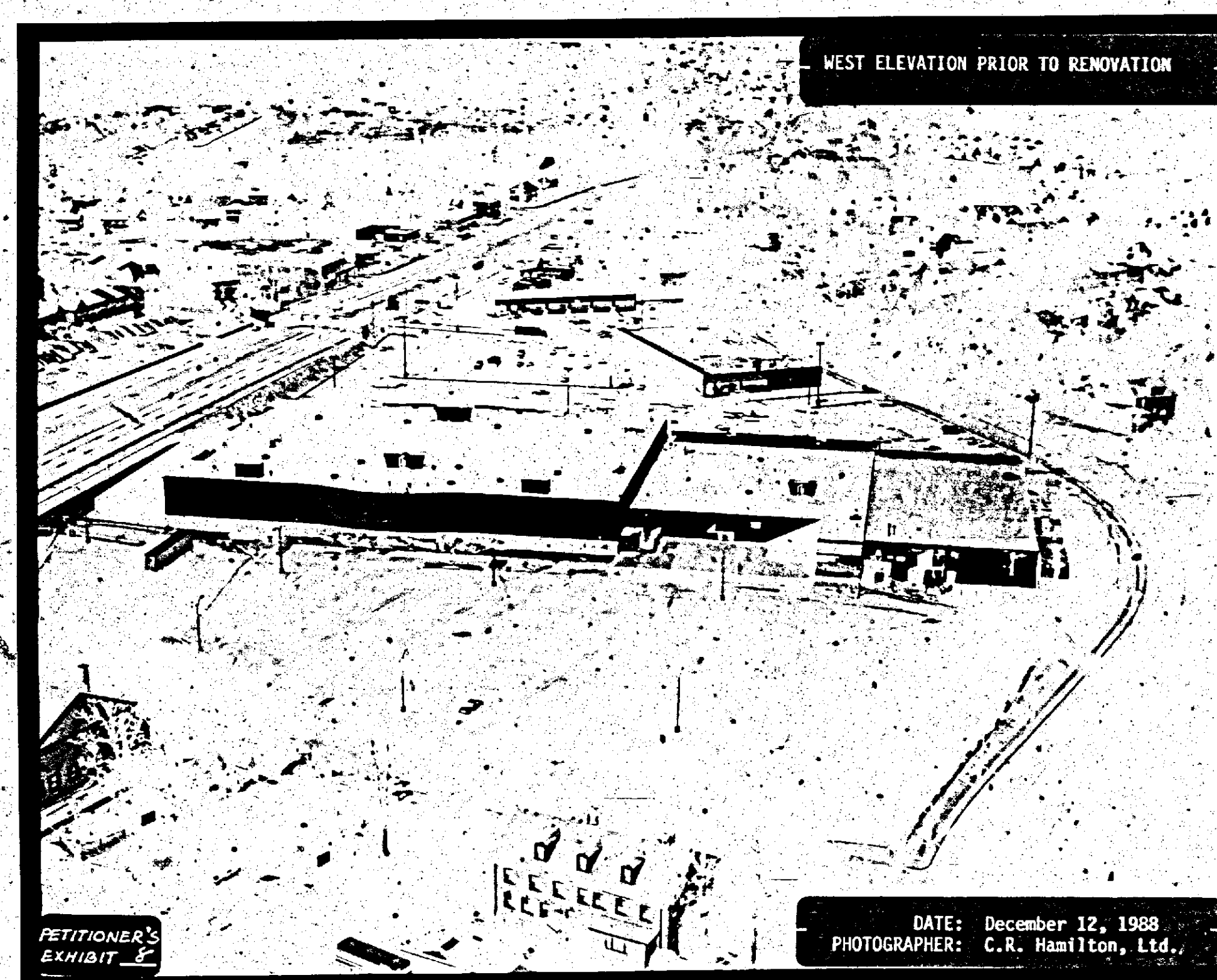
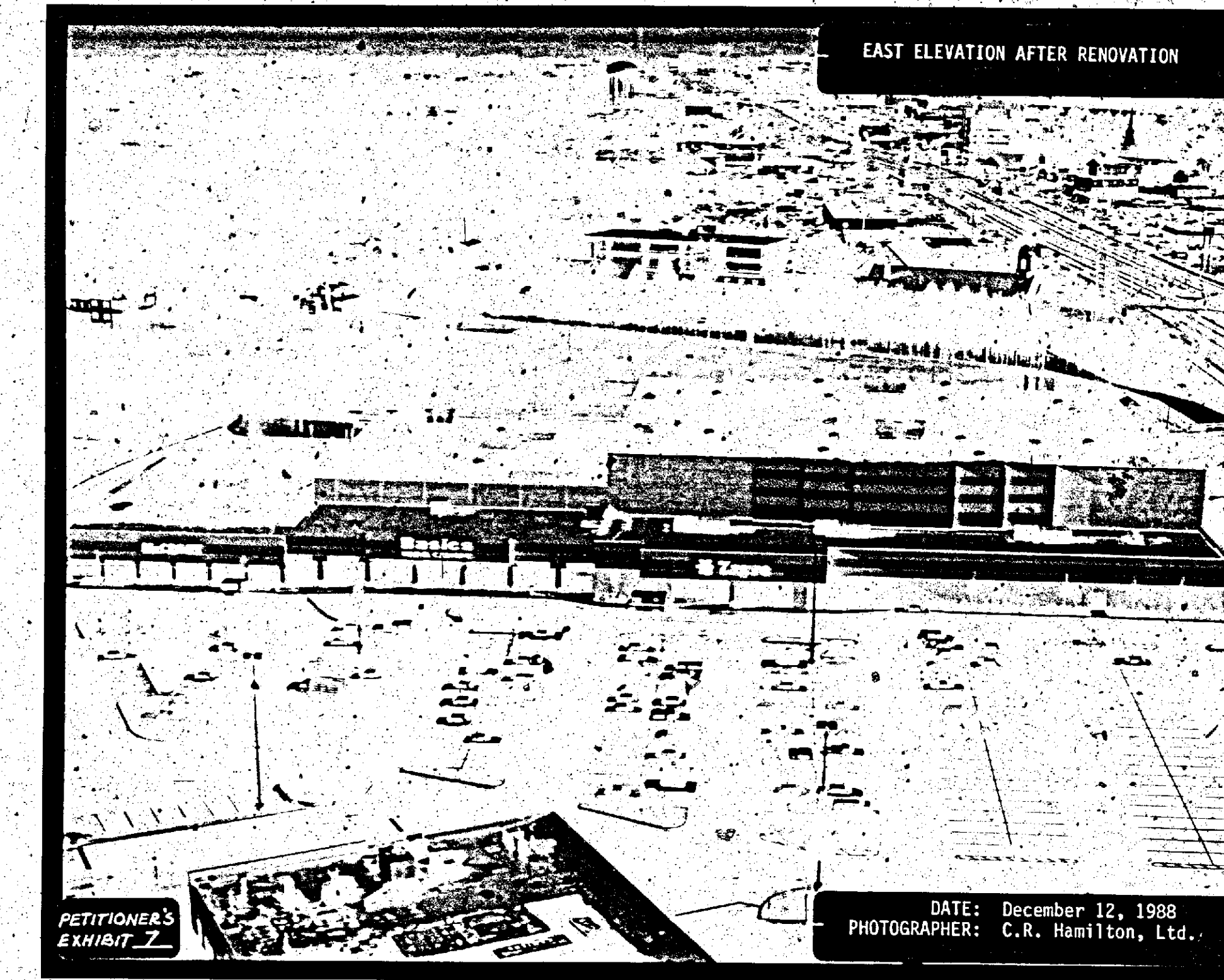
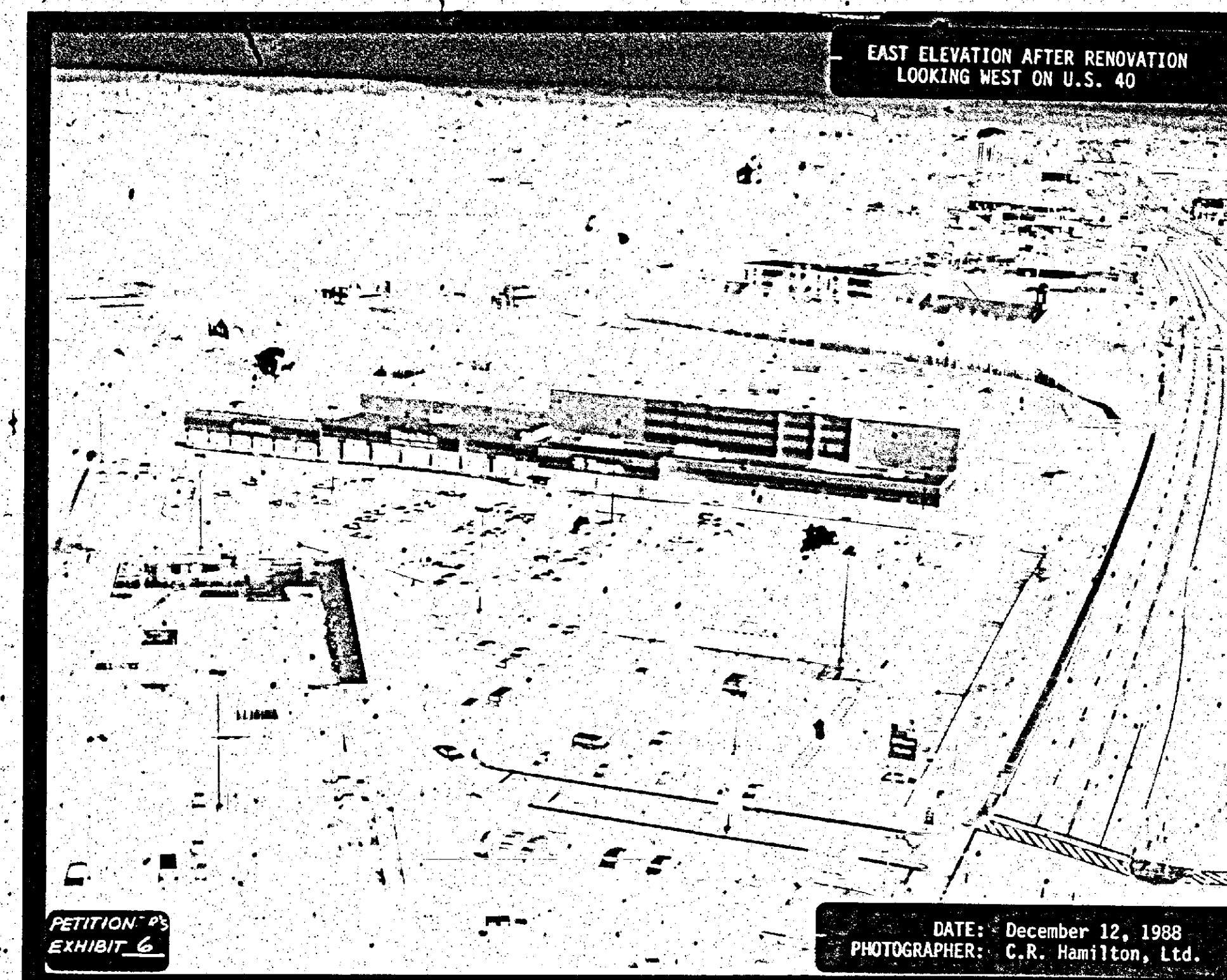
Baltimore County  
Office of Planning & Zoning  
Towson, Maryland 21204

Catonsville Plaza Shopping Center Partnership  
One Westchase Corporate Center, Suite 520  
Westchase, Virginia

*We do not have good address in Petitioner's*

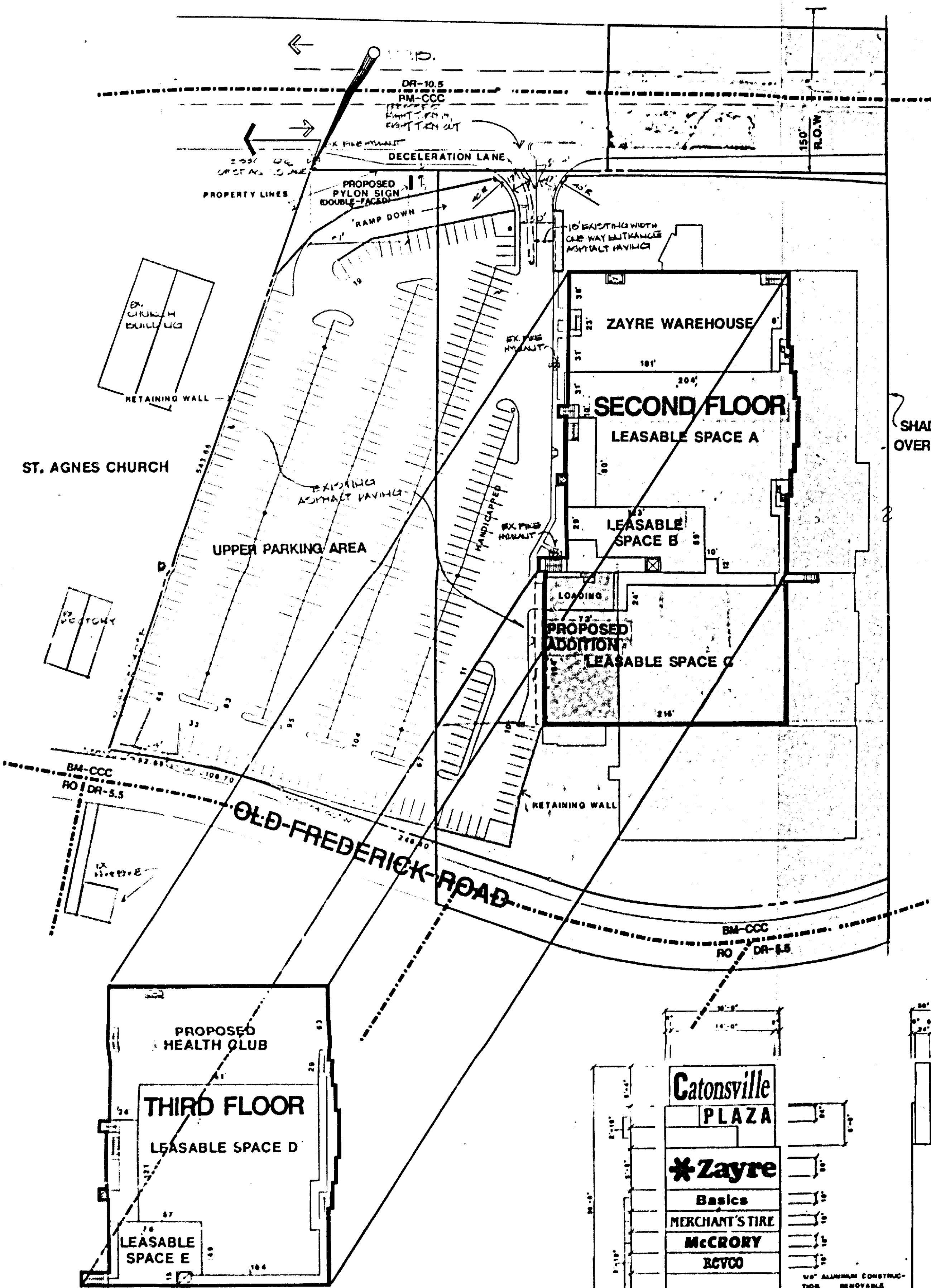








NOTES  
AREA OF MAP: 13.75 AC.  
EXISTING BUILDING: ENT. CCC  
EXISTING USE: SHOPPING CENTER  
ELECTION DISTRICT: 1

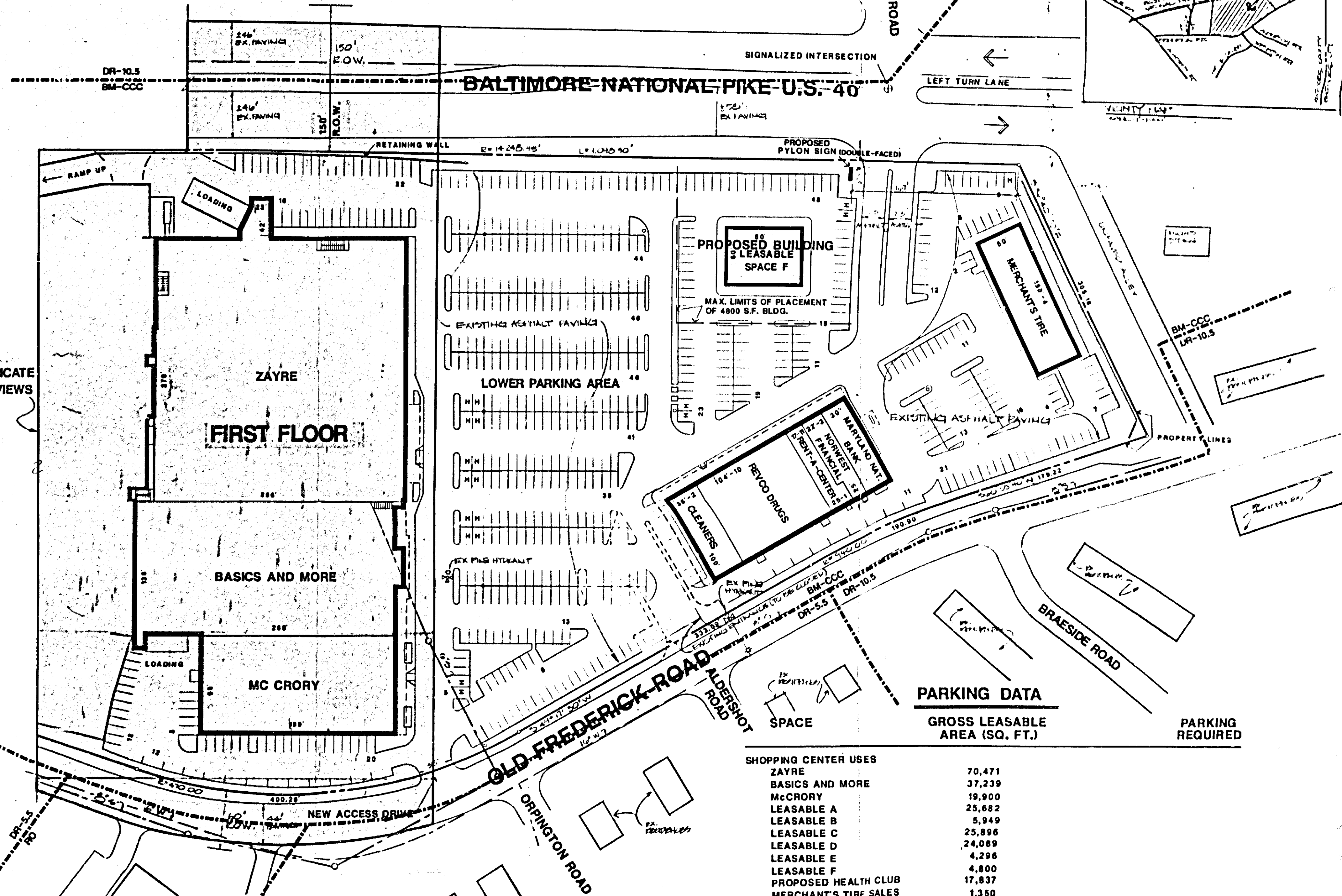


THIRD FLOOR PLAN

D.S. THALER & ASSOCIATES, INC.  
CIVIL ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS  
11 WARREN ROAD  
BALTIMORE, MD. 21208 (301) 484-4100

AMENDED  
PLAT TO ACCOMPANY VARIANCE PETITION

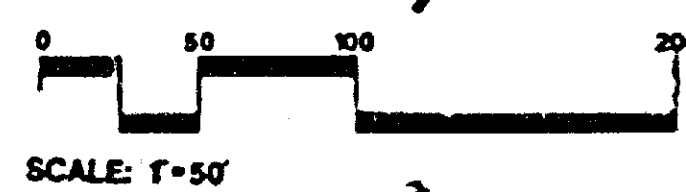
SHADED AREAS INDICATE  
OVERLAP OF PLAN VIEWS



LOWER LEVEL  
AND  
MAIN FLOOR PLAN

REASONS FOR VARIANCE REQUEST

1. TO ALLOW 1155 PARKING SPACES IN LIEU OF THE REQUIRED 1404 SPACES.
2. TO ALLOW 2 IDENTIFICATION SIGNS TO BE LOCATED ON THE SAME STREET.
3. TO ALLOW EACH OF THE 2 IDENTIFICATION SIGNS TO CONTAIN 592 SQUARE FEET IN LIEU OF THE PERMITTED 150 SQUARE FEET.
4. TO ALLOW EACH OF THE 2 IDENTIFICATION SIGNS TO BE LOCATED ON THE SUBJECT PROPERTY "WHERE THE LAND ON THE OPPOSITE SIDE OF THE THOROUGHFARE IS NOT ZONED COMMERCIAL."



PARKING DATA

GROSS LEASABLE  
AREA (SQ. FT.)

PARKING  
REQUIRED

SHOPPING CENTER USES	
ZAYRE	70,471
BASICS AND MORE	37,239
MCCRORY	19,900
LEASABLE A	25,682
LEASABLE B	5,949
LEASABLE C	25,896
LEASABLE D	24,089
LEASABLE E	4,296
LEASABLE F	4,800
PROPOSED HEALTH CLUB	17,837
MERCHANT'S TIRE SALES	1,350
REVO DRUGS	10,483
RENT-A-CENTER	1,970
CLEANERS	3,516
MARYLAND NATIONAL BANK	3,000
NORWEST FINANCIAL	2,045
ZAYRE WAREHOUSE	16,034
AUTOMOTIVE SERVICE	
MERCHANT'S TIRE (10 BAYS)	6,150

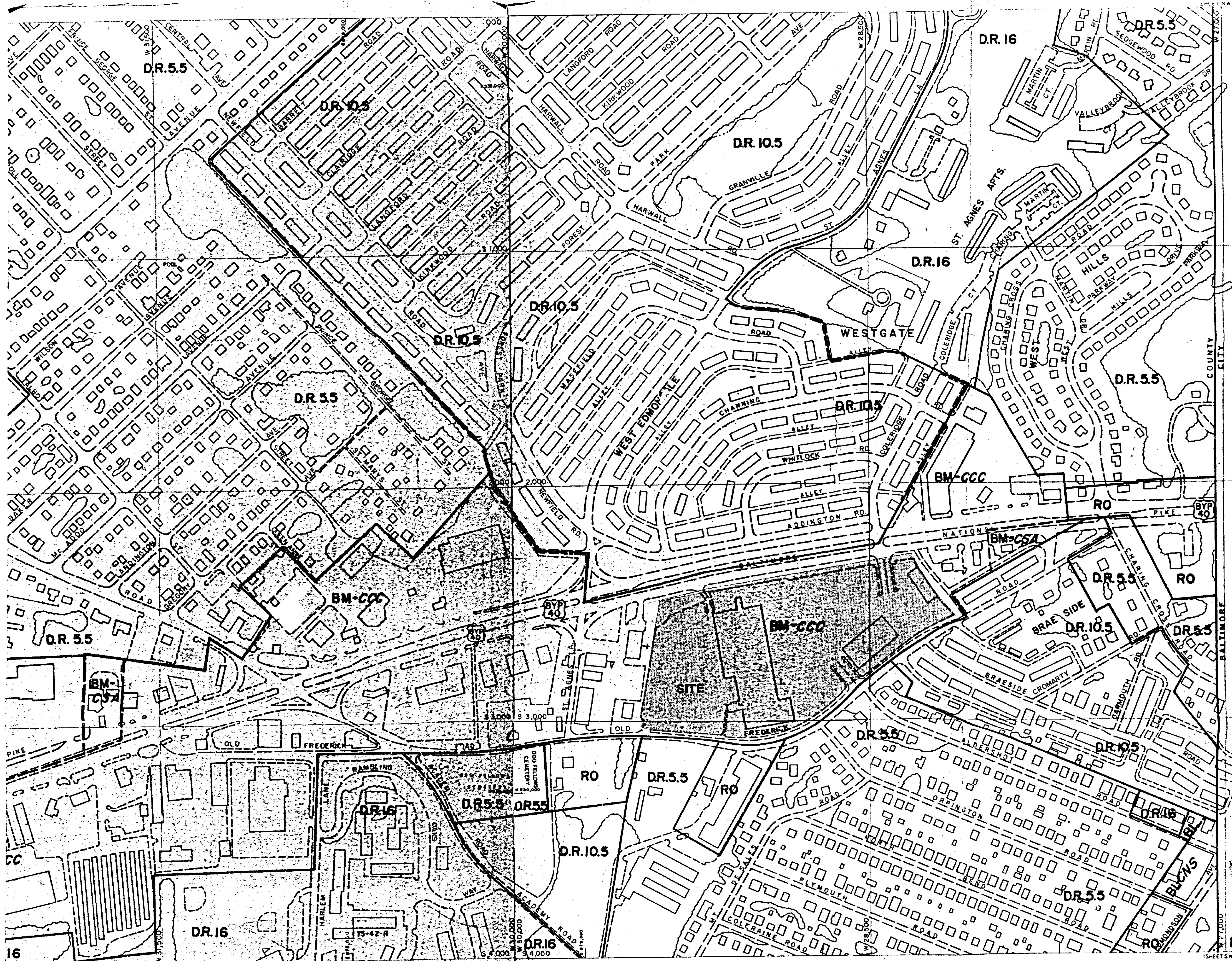
PROJECT TOTALS	280,707	1,404
PARKING PROVIDED (INCL. 27 HANDICAP AND 10 IN SERVICE BAYS)		1,155
UPPER LEVEL		467
LOWER LEVEL		688

REDEVELOPMENT-PHASE TWO  
CATONSVILLE PLAZA  
CATONSVILLE, MARYLAND

PROPOSED  
SITE AND  
LEASE PLAN

PROJ. NO. 8797-2  
DRAWING NO.  
SL-1A





**200 SCALE ZONING  
MAP TO ACCOMPANY  
VARIANCE PETITION  
CATONSVILLE PLAZA**

D.S. THALER & ASSOCIATES, INC.  
11 WARREN ROAD  
BALTIMORE, MD. 21208  
(301) 484-4100

290

NG	SCALE 1" = 200'	LOCATION CATONSVILLE	SHEET SW I-F	L-SE H-NE	K-SW G-NW
	DATE OF PHOTOGRAPHY JANUARY 1986			THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210	

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88  
*D. S. Thaler*  
Chairman, County Council

**BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP**